

14453

**From:** Special Permits <PHMSA>  
**Sent:** Tuesday, April 14, 2009 9:36 AM  
**To:** Ford, Michelle <PHMSA>  
**Cc:** Nelson, Sherrie <PHMSA>  
**Subject:** FW: FIBA Technologies, Inc. Application for Renewal and Revision of DOT-SP 14453  
Renewal and possible mod.

Modification

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**From:** Chris Adams [mailto:ChrisAdams@fibatech.com]  
**Sent:** Monday, April 13, 2009 4:28 PM  
**To:** Special Permits <PHMSA>  
**Cc:** Toughiry, Mark <PHMSA>; John Felbaum; chrisadams@fibatech.com  
**Subject:** FIBA Technologies, Inc. Application for Renewal and Revision of DOT-SP 14453

To Whom It May Concern:

Attached hereto is our timely application and request for revisions to DOT-SP 14453 (4<sup>TH</sup> Revision). Please confirm your receipt of this application and process accordingly. Do not hesitate to contact me if you need any additional information.

Sincerely,

Christopher R. Adams  
Manager – Regulatory Affairs  
FIBA Technologies, Inc.  
1535 Grafton Road, P.O. Box 360  
Millbury, MA 01527 U.S.A.  
TEL (508) 887-7100; FAX (508) 754-2254  
Direct Line: (508) 887-7121  
[www.fibatech.com](http://www.fibatech.com)

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SP-14453  
Modification

E-Mail – specialpermits@dot.gov

April 13, 2009

Associate Administrator for Hazardous Materials Safety  
Pipeline and Hazardous Materials Safety Administration  
U.S. Department of Transportation  
East Building  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590-0001

ATTN: Special Permits, PHH-31

SUBJECT: [REDACTED] for Renewal of Special Permit

REF.: DOT-SP 14453 (Fourth Revision)

Dear Sir/Madam:

FIBA Technologies, Inc., of 1535 Grafton Road, Millbury, MA 01527 (TEL 508-887-7100), is currently the holder of U.S. Department of Transportation special permit DOT-SP 14453. The special permit is due to expire June 30, 2009. Therefore, I, Christopher R. Adams, acting as the individual designated as the agent of the applicant for all purposes related to the application, respectfully submit this request for renewal of the special permit in accordance with the DOT Application for Renewal procedures outlined in 49 CFR, Subpart B, Section 107.109.

By this letter, I hereby certify that the descriptions, technical information and safety assessment submitted by the applicant in the original application and subsequent requests for additional information or revisions remain accurate and complete. I also certify that since the issuance of DOT-SP 14453, we are aware of no loss of product or venting accidents in connection with the various DOT specification cylinders requalified in accordance with this special permit.

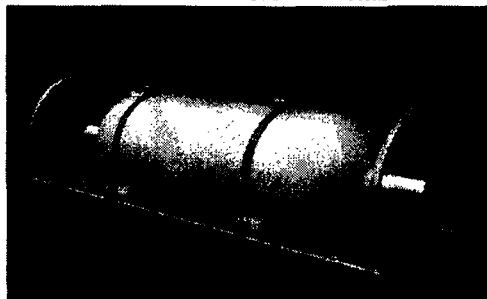
With regard to 49 CFR § 107.109(a)(6), FIBA is involved only with the requalification of the pressure vessels (cylinders) and does not offer hazardous materials in commerce or transportation. Therefore, we deem this section of the application for renewal to be not applicable to FIBA.

The above being said, I do want to take this opportunity to ask PHMSA to *revise* special permit DOT-SP 14453 as follows:

- **Revision Request No. 1** - On March 23, 2009, Mark Toughiry was sent a letter from FIBA asking that DOT-SP 14453 be revised to include silane in the table found in Section 6. Additionally, we provided Mr. Toughiry with words to revise Section 7 to establish a maximum acceptance flaw size for 3T tubes in silane service. A copy of that March 23, 2009 letter is attached hereto as EXHIBIT A and we hope that the next revision of DOT-SP 14453 will address the changes requested within this attached Exhibit A.

- **Revision Request No. 2** – This request requires changes to multiple sections of the special permit. Each change is identified below and all changes relate to our request that DOT-SP 14453 be revised to permit requalification not only of DOT Specification 3A, 3AA, 3AX, 3AAX and 3T cylinders that are “mounted in a bundle (tube trailer) or an ISO frame”, but also permit these same cylinders to be requalified by DOT-SP 14453 when they are a component of other sorts of packaging systems, such as 3AA-2400 cylinders that are individually mounted upon a transportable framework. For example, the “ton container” that is shown by the below photograph.

**Photo of a Ton Container**



To accomplish this, I request the following changes in the special permit:

- **Revision Request No. 2A** –
  - Delete the SECOND sentence of Section 2.a. More specifically, delete: “*The cylinders must be mounted in a bundle (tube trailer) or an ISO frame.*”
- **Revision Request No. 2B** –
  - Delete “*mounted in a bundle (tube trailer) or an ISO frame*” from the first sentence of Section 7.a. Thus, this first sentence of Section 7.a. would read: “Packaging prescribed are DOT 3A, 3AA, 3AX, 3AAX and 3T cylinders that are subjected to ...”. No further changes are required to this sentence or anywhere else in Section 7.a.
- **Revision Request No. 2C** –
  - Revise the first sentence of Section 7.b.(1) as follows: “Prior to use of this special permit, each cylinder with an outside diameter (OD) greater than or equal to 18” and being assembled within a tube trailer vehicle chassis or a tube module must have each of its necks and flanges/sleeves inspected in accordance with DOT Inspection Procedure ...”. No further changes are required to this sentence or anywhere else in Section 7.b.
- **Revision Request No. 2D** –
  - Add to the end of Section 8.c.(1) the following additional sentence to address the individually packaged cylinders: “The same marking requirement applies to individually packaged cylinders, such as ton containers.”

- **Revision Request No. 2E –**

- Add to the end of Section 8.c.(2) the following additional sentence to address the individually packaged cylinders: “For individually packaged cylinders, the current retest date must be plainly and permanently marked on the metal of the cylinder on any portion of an end of the cylinder excluding the cylinder sidewall in accordance with 49 CFR Part 180.213.”

- **Revision Request No. 3 –** A common gas mixture, helium-oxygen (heliox), is inadvertently not included in the Hazardous Materials Description table in Section 6 of DOT-SP 14453 and perhaps others may also have been overlooked. To address this, please revise the first column of two (2) listings in Section 6 to permit any mixture of the gas listed above the N.O.S. listing. Specifically, please revise the table as follows:

- Include air, neon, and oxygen in the Proper Shipping Name “Compressed gas, N.O.S. (mixture of air, argon, helium, hydrogen, neon, nitrogen, and/or oxygen)”.
- Include air, neon, and oxygen in the Proper Shipping Name “Compressed gas, flammable, N.O.S. (mixture of air, argon, helium, hydrogen, neon, nitrogen, and/or oxygen)”.

Note that, in accordance with 49 CFR § 107.109(b), this letter is filed at least 60 days prior to the expiration date of the special permit. Thank you for your assistance with regard to these matters. I can be reached at (508) 887-7121 or [chrisadams@fibatech.com](mailto:chrisadams@fibatech.com) if you have any comments or questions.

Respectfully submitted,

*Christopher R. Adams*

Christopher R. Adams  
Manager – Regulatory Affairs  
FIBA Technologies, Inc.

**EXHIBIT A**

Copy of Letter Sent to Mark Toughiry on March 23, 2009

Page 1 of 2

E-MAIL TRANSMISSION

ATTN: SPECIALPERMITS@DOT.GOV

March 23, 2009

Associate Administrator for Hazardous Materials Safety  
Pipeline and Hazardous Materials Safety Administration  
U.S. Department of Transportation  
East Building  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590-0001

ATTN: Mark Toughiry  
Special Permits, PHH-31

SUBJECT: DOT-SP 14453 (4<sup>TH</sup> Revision)

Dear Mark,

To follow-up on your recent conversation with John Felbaum regarding our special permit DOT-SP 14453, I, Christopher R. Adams, acting as the individual designated to be the agent of FIBA Technologies, Inc. ("FIBA") for all purposes related to the subject special permit, respectfully submit this request to modify permit in the following ways:

- Add **Silane** to the table found in Section 6 as follows:

<b>Hazardous Materials Description</b>			
<b>Proper Shipping Name</b>	<b>Hazard Class / Division</b>	<b>Identification Number</b>	<b>Packing Group</b>
Silane	2.1	UN2203	N / A

- Add to Section 7 the following paragraph:
  - The maximum acceptance flaw size for the DOT 3T specification cylinder used for silane service and requalified under this special permit using UE must be 5% of the minimum design wall thickness of the cylinder (tube).

**EXHIBIT A (cont.)**  
Copy of Letter Sent to Mark Toughiry on March 23, 2009

Page 2 of 2

FIBA Request to Revise DOT-SP 14453 (4<sup>TH</sup> Revision)

By this letter, I certify that the descriptions, technical information and safety assessment submitted by the applicant in the original application and all other correspondence relating to this permit remains accurate and complete. Thank you for the consideration in this matter. I can be reached at (508) 887-7121 or [chrisadams@fibatech.com](mailto:chrisadams@fibatech.com) if you have any comments or questions. You may also feel free to contact John Felbaum, who can be reached at (508) 887-7124.

Respectfully submitted,

Christopher R. Adams  
Manager – Regulatory Affairs  
FIBA Technologies, Inc.

cc: John Felbaum  
Vice President of Technology  
FIBA Technologies, Inc.

**From:** Toughiry, Mark <PHMSA>  
**Sent:** Friday, April 17, 2009 8:37 AM  
**To:** Nelson, Sherrie <PHMSA>; Hochman, Charles <PHMSA>  
**Cc:** Burger, Donald <PHMSA>; Toughiry, Mark <PHMSA>  
**Subject:** RE: FIBA Technologies, Inc. Application for Renewal and Revision of DOT-SP 14453  
 Sherrie,

The changes requested by FIBA can be managed as a modification to the existing SP 14453. FIBA has to provide additional technical information for the inclusion of Silane relating to pre-testing of DOT 3T. Also we need to evaluate FIBA UE calibration cylinder and procedure for the toner (DOT 3AA tube). So you could docket this application as FIBA requested upon receiving the following:

1. Submit drawing of calibration cylinder used for toner (DOT 3AA short tube) that include all internal simulated defects (FBH, notches and area corrosion);
2. UE procedure for detecting defect on crow of toner (short DOT 3AA tube);
3. UE test data for toner;
4. In order to include Silane for 10 yr rests - FIBA submit acknowledgment for performing 100% UE of each DOT 3T with accept/reject criteria of 5% of the  $t_{min}$  prior to apply 10 year retest for a DOT 3T tube in Silane service

If they have any question please have them call me.

Thanks  
 Mark

Mark Toughiry, P.E.  
 Pressure Vessel Design &  
 Non Destructive Examination (NDE)  
 Office of Hazardous Materials Technology  
 Tel: 202-366-6289  
 Fax: 202-366-3753  
 E-mail: mark.toughiry@dot.gov  
East Building, PHH-20  
1200 New Jersey Avenue, SE  
Washington, DC. 20590-0001  
<http://SafeTravel.dot.gov>

---

**From:** Nelson, Sherrie <PHMSA>  
**Sent:** Thursday, April 16, 2009 9:05 AM  
**To:** Hochman, Charles <PHMSA>; Toughiry, Mark <PHMSA>  
**Cc:** Burger, Donald <PHMSA>; Nelson, Sherrie <PHMSA>  
**Subject:** FW: FIBA Technologies, Inc. Application for Renewal and Revision of DOT-SP 14453

Charlie and Mark

I am forwarding a copy to you both per Charlie and my telephone conversation as of this morning. Don Burger; Kenny Herzog and I were talking about this for I did not know if it was additional information to the current modification that Mark has to DOT-SP 14453. Upon reading it this morning it is a modification to DOT-SP 14453. Don Burger wants you both to look at it and since there are so many changes to it should it be a NEW special permit and/or a modification to this DOT-SP.

This is the reason that I wanted to talk to you and Mark both.

Attached is the attachment for Renewal and Modification.

Please let me and Don know which way to handle and I will make it a modification and get it ready for the FR. IF new I will give to Diane to process.

Thanking Everyone for your help in this matter

Sherrie Nelson 202 366 0716

CC FYI

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**From:** Nelson, Sherrie <PHMSA>  
**Sent:** Tuesday, April 28, 2009 8:01 AM  
**To:** 'ChrisAdams@fibatech.com'  
**Cc:** Toughiry, Mark <PHMSA>; Nelson, Sherrie <PHMSA>  
**Subject:** RE: FIBA Technologies, Inc. Application for Renewal and Revision of DOT-SP 14453  
Chris

Please provide the following information asap. So we can process this information.

IF any questions please contact Mark.

Thank you  
Sherrie Nelson

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If they have any question please have them call me.

Thanks  
Mark

*Mark Toughiry, P.E.  
Pressure Vessel Design &  
Non Destructive Examination (NDE)*

Office of Hazardous Materials Technology

Tel: 202-366-6289

Fax: 202-366-3753

E-mail: [mark.toughiry@dot.gov](mailto:mark.toughiry@dot.gov)

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